

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Sections 12-2 and 12-4 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) A person commits an aggravated assault, when, in  
9 committing an assault, he:

10 (1) Uses a deadly weapon or any device manufactured and  
11 designed to be substantially similar in appearance to a  
12 firearm, other than by discharging a firearm in the  
13 direction of another person, a peace officer, a person  
14 summoned or directed by a peace officer, a correctional  
15 officer or a fireman or in the direction of a vehicle  
16 occupied by another person, a peace officer, a person  
17 summoned or directed by a peace officer, a correctional  
18 officer or a fireman while the officer or fireman is  
19 engaged in the execution of any of his official duties, or  
20 to prevent the officer or fireman from performing his  
21 official duties, or in retaliation for the officer or  
22 fireman performing his official duties;

23 (2) Is hooded, robed or masked in such manner as to  
24 conceal his identity or any device manufactured and  
25 designed to be substantially similar in appearance to a  
26 firearm;

27 (3) Knows the individual assaulted to be a teacher or  
28 other person employed in any school and such teacher or  
29 other employee is upon the grounds of a school or grounds  
30 adjacent thereto, or is in any part of a building used for  
31 school purposes;

32 (4) Knows the individual assaulted to be a supervisor,

1 director, instructor or other person employed in any park  
2 district and such supervisor, director, instructor or  
3 other employee is upon the grounds of the park or grounds  
4 adjacent thereto, or is in any part of a building used for  
5 park purposes;

6 (5) Knows the individual assaulted to be a caseworker,  
7 investigator, or other person employed by the State  
8 Department of Public Aid, a County Department of Public  
9 Aid, or the Department of Human Services (acting as  
10 successor to the Illinois Department of Public Aid under  
11 the Department of Human Services Act) and such caseworker,  
12 investigator, or other person is upon the grounds of a  
13 public aid office or grounds adjacent thereto, or is in any  
14 part of a building used for public aid purposes, or upon  
15 the grounds of a home of a public aid applicant, recipient  
16 or any other person being interviewed or investigated in  
17 the employees' discharge of his duties, or on grounds  
18 adjacent thereto, or is in any part of a building in which  
19 the applicant, recipient, or other such person resides or  
20 is located;

21 (6) Knows the individual assaulted to be a peace  
22 officer, or a community policing volunteer, or a fireman  
23 while the officer or fireman is engaged in the execution of  
24 any of his official duties, or to prevent the officer,  
25 community policing volunteer, or fireman from performing  
26 his official duties, or in retaliation for the officer,  
27 community policing volunteer, or fireman performing his  
28 official duties, and the assault is committed other than by  
29 the discharge of a firearm in the direction of the officer  
30 or fireman or in the direction of a vehicle occupied by the  
31 officer or fireman;

32 (7) Knows the individual assaulted to be an emergency  
33 medical technician - ambulance, emergency medical  
34 technician - intermediate, emergency medical technician -  
35 paramedic, ambulance driver or other medical assistance or  
36 first aid personnel engaged in the execution of any of his

1 official duties, or to prevent the emergency medical  
2 technician - ambulance, emergency medical technician -  
3 intermediate, emergency medical technician - paramedic,  
4 ambulance driver, or other medical assistance or first aid  
5 personnel from performing his official duties, or in  
6 retaliation for the emergency medical technician -  
7 ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid personnel  
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,  
12 operator, employee or passenger of any transportation  
13 facility or system engaged in the business of  
14 transportation of the public for hire and the individual  
15 assaulted is then performing in such capacity or then using  
16 such public transportation as a passenger or using any area  
17 of any description designated by the transportation  
18 facility or system as a vehicle boarding, departure, or  
19 transfer location;

20 (9) Or the individual assaulted is on or about a public  
21 way, public property, or public place of accommodation or  
22 amusement;

23 (9.5) Is, or the individual assaulted is, in or about a  
24 publicly or privately owned sports or entertainment arena,  
25 stadium, community or convention hall, special event  
26 center, amusement facility, or a special event center in a  
27 public park during any 24-hour period when a professional  
28 sporting event, National Collegiate Athletic Association  
29 (NCAA)-sanctioned sporting event, United States Olympic  
30 Committee-sanctioned sporting event, or International  
31 Olympic Committee-sanctioned sporting event is taking  
32 place in this venue;

33 (10) Knows the individual assaulted to be an employee  
34 of the State of Illinois, a municipal corporation therein  
35 or a political subdivision thereof, engaged in the  
36 performance of his authorized duties as such employee;

1           (11) Knowingly and without legal justification,  
2           commits an assault on a physically handicapped person;

3           (12) Knowingly and without legal justification,  
4           commits an assault on a person 60 years of age or older;

5           (13) Discharges a firearm;

6           (14) Knows the individual assaulted to be a  
7           correctional officer, while the officer is engaged in the  
8           execution of any of his or her official duties, or to  
9           prevent the officer from performing his or her official  
10          duties, or in retaliation for the officer performing his or  
11          her official duties;

12          (15) Knows the individual assaulted to be a  
13          correctional employee or an employee of the Department of  
14          Human Services supervising or controlling sexually  
15          dangerous persons or sexually violent persons, while the  
16          employee is engaged in the execution of any of his or her  
17          official duties, or to prevent the employee from performing  
18          his or her official duties, or in retaliation for the  
19          employee performing his or her official duties, and the  
20          assault is committed other than by the discharge of a  
21          firearm in the direction of the employee or in the  
22          direction of a vehicle occupied by the employee;

23          (16) Knows the individual assaulted to be an employee  
24          of a police or sheriff's department engaged in the  
25          performance of his or her official duties as such employee;

26          or

27          (17) Knows the individual assaulted to be a sports  
28          official or coach at any level of competition and the act  
29          causing the assault to the sports official or coach  
30          occurred within an athletic facility or an indoor or  
31          outdoor playing field or within the immediate vicinity of  
32          the athletic facility or an indoor or outdoor playing field  
33          at which the sports official or coach was an active  
34          participant in the athletic contest held at the athletic  
35          facility. For the purposes of this paragraph (17), "sports  
36          official" means a person at an athletic contest who

1 enforces the rules of the contest, such as an umpire or  
2 referee; and "coach" means a person recognized as a coach  
3 by the sanctioning authority that conducted the athletic  
4 contest;~~;~~

5 (18) Knows the individual assaulted to be an emergency  
6 management worker, while the emergency management worker  
7 is engaged in the execution of any of his or her official  
8 duties, or to prevent the emergency management worker from  
9 performing his or her official duties, or in retaliation  
10 for the emergency management worker performing his or her  
11 official duties, and the assault is committed other than by  
12 the discharge of a firearm in the direction of the  
13 emergency management worker or in the direction of a  
14 vehicle occupied by the emergency management worker;or ~~;~~

15 (19) Knows the individual assaulted to be a utility  
16 worker, while the utility worker is engaged in the  
17 execution of his or her duties, or to prevent the utility  
18 worker from performing his or her duties, or in retaliation  
19 for the utility worker performing his or her duties. In  
20 this paragraph (19), "utility worker" means a person  
21 employed by a public utility as defined in Section 3-105 of  
22 the Public Utilities Act and also includes an employee of a  
23 municipally owned utility, an employee of a cable  
24 television company, an employee of an electric cooperative  
25 as defined in Section 3-119 of the Public Utilities Act, an  
26 independent contractor or an employee of an independent  
27 contractor working on behalf of a cable television company,  
28 public utility, municipally owned utility, or an electric  
29 cooperative, or an employee of a telecommunications  
30 carrier as defined in Section 13-202 of the Public  
31 Utilities Act, an independent contractor or an employee of  
32 an independent contractor working on behalf of a  
33 telecommunications carrier, or an employee of a telephone  
34 or telecommunications cooperative as defined in Section  
35 13-212 of the Public Utilities Act, or an independent  
36 contractor or an employee of an independent contractor

1       working on behalf of a telephone or telecommunications  
2       cooperative.

3       (a-5) A person commits an aggravated assault when he or she  
4 knowingly and without lawful justification shines or flashes a  
5 laser gunsight or other laser device that is attached or  
6 affixed to a firearm, or used in concert with a firearm, so  
7 that the laser beam strikes near or in the immediate vicinity  
8 of any person.

9       (b) Sentence.

10       Aggravated assault as defined in paragraphs (1) through (5)  
11 and (8) through (12) and (17) and (19) of subsection (a) of  
12 this Section is a Class A misdemeanor. Aggravated assault as  
13 defined in paragraphs (13), (14), and (15) of subsection (a) of  
14 this Section and as defined in subsection (a-5) of this Section  
15 is a Class 4 felony. Aggravated assault as defined in  
16 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
17 Section is a Class A misdemeanor if a firearm is not used in  
18 the commission of the assault. Aggravated assault as defined in  
19 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
20 Section is a Class 4 felony if a firearm is used in the  
21 commission of the assault.

22       (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,  
23 eff. 1-1-06; revised 8-19-05.)

24       (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

25       Sec. 12-4. Aggravated Battery.

26       (a) A person who, in committing a battery, intentionally or  
27 knowingly causes great bodily harm, or permanent disability or  
28 disfigurement commits aggravated battery.

29       (b) In committing a battery, a person commits aggravated  
30 battery if he or she:

31             (1) Uses a deadly weapon other than by the discharge of  
32 a firearm;

33             (2) Is hooded, robed or masked, in such manner as to  
34 conceal his identity;

35             (3) Knows the individual harmed to be a teacher or

1 other person employed in any school and such teacher or  
2 other employee is upon the grounds of a school or grounds  
3 adjacent thereto, or is in any part of a building used for  
4 school purposes;

5 (4) (Blank);

6 (5) (Blank);

7 (6) Knows the individual harmed to be a community  
8 policing volunteer while such volunteer is engaged in the  
9 execution of any official duties, or to prevent the  
10 volunteer from performing official duties, or in  
11 retaliation for the volunteer performing official duties,  
12 and the battery is committed other than by the discharge of  
13 a firearm;

14 (7) Knows the individual harmed to be an emergency  
15 medical technician - ambulance, emergency medical  
16 technician - intermediate, emergency medical technician -  
17 paramedic, ambulance driver, other medical assistance,  
18 first aid personnel, or hospital personnel engaged in the  
19 performance of any of his or her official duties, or to  
20 prevent the emergency medical technician - ambulance,  
21 emergency medical technician - intermediate, emergency  
22 medical technician - paramedic, ambulance driver, other  
23 medical assistance, first aid personnel, or hospital  
24 personnel from performing official duties, or in  
25 retaliation for performing official duties;

26 (8) Is, or the person battered is, on or about a public  
27 way, public property or public place of accommodation or  
28 amusement;

29 (8.5) Is, or the person battered is, on a publicly or  
30 privately owned sports or entertainment arena, stadium,  
31 community or convention hall, special event center,  
32 amusement facility, or a special event center in a public  
33 park during any 24-hour period when a professional sporting  
34 event, National Collegiate Athletic Association  
35 (NCAA)-sanctioned sporting event, United States Olympic  
36 Committee-sanctioned sporting event, or International

1 Olympic Committee-sanctioned sporting event is taking  
2 place in this venue;

3 (9) Knows the individual harmed to be the driver,  
4 operator, employee or passenger of any transportation  
5 facility or system engaged in the business of  
6 transportation of the public for hire and the individual  
7 assaulted is then performing in such capacity or then using  
8 such public transportation as a passenger or using any area  
9 of any description designated by the transportation  
10 facility or system as a vehicle boarding, departure, or  
11 transfer location;

12 (10) Knows the individual harmed to be an individual of  
13 60 years of age or older;

14 (11) Knows the individual harmed is pregnant;

15 (12) Knows the individual harmed to be a judge whom the  
16 person intended to harm as a result of the judge's  
17 performance of his or her official duties as a judge;

18 (13) (Blank);

19 (14) Knows the individual harmed to be a person who is  
20 physically handicapped;

21 (15) Knowingly and without legal justification and by  
22 any means causes bodily harm to a merchant who detains the  
23 person for an alleged commission of retail theft under  
24 Section 16A-5 of this Code. In this item (15), "merchant"  
25 has the meaning ascribed to it in Section 16A-2.4 of this  
26 Code;

27 (16) Is, or the person battered is, in any building or  
28 other structure used to provide shelter or other services  
29 to victims or to the dependent children of victims of  
30 domestic violence pursuant to the Illinois Domestic  
31 Violence Act of 1986 or the Domestic Violence Shelters Act,  
32 or the person battered is within 500 feet of such a  
33 building or other structure while going to or from such a  
34 building or other structure. "Domestic violence" has the  
35 meaning ascribed to it in Section 103 of the Illinois  
36 Domestic Violence Act of 1986. "Building or other structure

1 used to provide shelter" has the meaning ascribed to  
2 "shelter" in Section 1 of the Domestic Violence Shelters  
3 Act;

4 (17) (Blank); ~~or~~

5 (18) Knows the individual harmed to be an officer or  
6 employee of the State of Illinois, a unit of local  
7 government, or school district engaged in the performance  
8 of his or her authorized duties as such officer or  
9 employee;~~;~~

10 (19) ~~(18)~~ Knows the individual harmed to be an  
11 emergency management worker engaged in the performance of  
12 any of his or her official duties, or to prevent the  
13 emergency management worker from performing official  
14 duties, or in retaliation for the emergency management  
15 worker performing official duties;or~~;~~

16 (20) Knows the individual harmed to be a utility  
17 worker, while the utility worker is engaged in the  
18 execution of his or her duties, or to prevent the utility  
19 worker from performing his or her duties, or in retaliation  
20 for the utility worker performing his or her duties. In  
21 this paragraph (20), "utility worker" means a person  
22 employed by a public utility as defined in Section 3-105 of  
23 the Public Utilities Act and also includes an employee of a  
24 municipally owned utility, an employee of a cable  
25 television company, an employee of an electric cooperative  
26 as defined in Section 3-119 of the Public Utilities Act, an  
27 independent contractor or an employee of an independent  
28 contractor working on behalf of a cable television company,  
29 public utility, municipally owned utility, or an electric  
30 cooperative, or an employee of a telecommunications  
31 carrier as defined in Section 13-202 of the Public  
32 Utilities Act, an independent contractor or an employee of  
33 an independent contractor working on behalf of a  
34 telecommunications carrier, or an employee of a telephone  
35 or telecommunications cooperative as defined in Section  
36 13-212 of the Public Utilities Act, or an independent

1       contractor or an employee of an independent contractor  
2       working on behalf of a telephone or telecommunications  
3       cooperative.

4       For the purpose of paragraph (14) of subsection (b) of this  
5       Section, a physically handicapped person is a person who  
6       suffers from a permanent and disabling physical  
7       characteristic, resulting from disease, injury, functional  
8       disorder or congenital condition.

9       (c) A person who administers to an individual or causes him  
10      to take, without his consent or by threat or deception, and for  
11      other than medical purposes, any intoxicating, poisonous,  
12      stupefying, narcotic, anesthetic, or controlled substance  
13      commits aggravated battery.

14      (d) A person who knowingly gives to another person any food  
15      that contains any substance or object that is intended to cause  
16      physical injury if eaten, commits aggravated battery.

17      (d-3) A person commits aggravated battery when he or she  
18      knowingly and without lawful justification shines or flashes a  
19      laser gunsight or other laser device that is attached or  
20      affixed to a firearm, or used in concert with a firearm, so  
21      that the laser beam strikes upon or against the person of  
22      another.

23      (d-5) An inmate of a penal institution or a sexually  
24      dangerous person or a sexually violent person in the custody of  
25      the Department of Human Services who causes or attempts to  
26      cause a correctional employee of the penal institution or an  
27      employee of the Department of Human Services to come into  
28      contact with blood, seminal fluid, urine, or feces, by  
29      throwing, tossing, or expelling that fluid or material commits  
30      aggravated battery. For purposes of this subsection (d-5),  
31      "correctional employee" means a person who is employed by a  
32      penal institution.

33      (e) Sentence.

34           (1) Except as otherwise provided in paragraphs (2) and  
35           (3), aggravated battery is a Class 3 felony.

36           (2) Aggravated battery that does not cause great bodily

1 harm or permanent disability or disfigurement is a Class 2  
2 felony when the person knows the individual harmed to be a  
3 peace officer, a community policing volunteer, a  
4 correctional institution employee, an employee of the  
5 Department of Human Services supervising or controlling  
6 sexually dangerous persons or sexually violent persons, or  
7 a fireman while such officer, volunteer, employee, or  
8 fireman is engaged in the execution of any official duties  
9 including arrest or attempted arrest, or to prevent the  
10 officer, volunteer, employee, or fireman from performing  
11 official duties, or in retaliation for the officer,  
12 volunteer, employee, or fireman performing official  
13 duties, and the battery is committed other than by the  
14 discharge of a firearm.

15 (3) Aggravated battery that causes great bodily harm or  
16 permanent disability or disfigurement in violation of  
17 subsection (a) is a Class 1 felony when the person knows  
18 the individual harmed to be a peace officer, a community  
19 policing volunteer, a correctional institution employee,  
20 an employee of the Department of Human Services supervising  
21 or controlling sexually dangerous persons or sexually  
22 violent persons, or a fireman while such officer,  
23 volunteer, employee, or fireman is engaged in the execution  
24 of any official duties including arrest or attempted  
25 arrest, or to prevent the officer, volunteer, employee, or  
26 fireman from performing official duties, or in retaliation  
27 for the officer, volunteer, employee, or fireman  
28 performing official duties, and the battery is committed  
29 other than by the discharge of a firearm.

30 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,  
31 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;  
32 94-482, eff. 1-1-06; revised 8-19-05.)